

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Pahl, et al. ) ATTORNEY DOCKET: 04266864  
 )  
SERIAL NO.: 10/828,650 ) GROUP ART UNIT: 1624  
 )  
PATENT NO.: 7,381,729 )  
 )  
FILED: April 21, 2004 ) EXAMINER: Moore, Susana  
 )  
TITLE: 4- (4-TRANS-HYDROXYCYCLOHEXYL)AMINO-2-PHENYL-7H-  
PYRROLO [2,3D] PYRIMIDINE HYDROGEN MESYLATE, ITS  
POLYMORPHIC FORMS, AND METHODS FOR MAKING SAME

DATE: August 8, 2008

ATTN: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

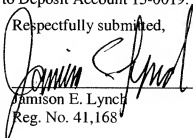
Transmitted herewith for the above-captioned granted patent are:

1. Renewed Request for Certificate of Correction under 37 C.F.R. § 1.323;
2. August 1, 2008 denial of Request for Certificate of Correction;
3. June 25, 2008 cover sheet;
4. June 25, 2008 Request for Certificate of Correction under 37 C.F.R. § 1.323;
5. Form PTO/SB/44 previously submitted on June 25, 2008;
6. April 25, 2008 Petition Decision;
7. December 10, 2007 Petition to Correct Assignee Name and Residence on Form PTOL-85; and
8. Payment in the amount of \$130.00 pursuant to 37 C.F.R. § 1.117(h).

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to Deposit Account 13-0019.

Respectfully submitted,

By:

  
Jamison E. Lynch  
Reg. No. 41,168

**CUSTOMER NUMBER 26565**  
MAYER, BROWN, ROWE & MAW LLP  
P.O. Box 2828  
Chicago, IL 60690-2828  
(312) 701-7551

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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SERIAL NO.:	10/828,650	)	GROUP ART UNIT:	1624
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PATENT NO.:	7,381,729	)		
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FILED:	April 21, 2004	)	EXAMINER:	Moore, Susana
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TITLE:	4- (4-TRANS-HYDROXYCYCLOHEXYL)AMINO-2-PHENYL-7H-PYRROLO [2,3D] PYRIMIDINE HYDROGEN MESYLATE, ITS POLYMORPHIC FORMS, AND METHODS FOR MAKING SAME			

DATE: August 8, 2008

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED REQUEST FOR CERTIFICATE OF CORRECTION**  
**UNDER 37 C.F.R. §1.323**

Pursuant to 37 C.F.R. § 1.323, the Applicants respectfully renew their request that United States Pat. No. 7,381,729 (the '729 Patent) be corrected as set forth in the attached Form PTO/SB/44 which was previously submitted to the USPTO on June 25, 2008.

Solvay Pharmaceuticals B.V. is incorrectly listed as the assignee for the '729 Patent. The present request is being submitted to change the assignee identified on the front page of the '729 Patent to Solvay Pharmaceuticals GmbH. The correction is being made so that the assignment information is consistent with the assignment recorded with the USPTO. The reel and frame number of the recorded assignment is 015356/0432. The assignment was recorded on May 18, 2004, prior to the grant of the '729 Patent.

Also submitted herewith is a copy of the April 25, 2008 Petition Decision dismissing the request to correct the assignee's name under 37 C.F.R. § 3.81(b). The April 25 Petition Decision instructed the Certificate of Correction Branch to issue a certificate of correction as requested on June 25, 2008 upon submission of a request for a certificate of correction (and fee) which sets forth Solvay Pharmaceuticals GmbH as the assignee. The April 25, 2008 Petition Decision also stated that the December 10, 2007 petition would be treated as a request under 37 C.F.R. § 3.81(b) and that no further request under 37 C.F.R. § 3.81(b) would be required.

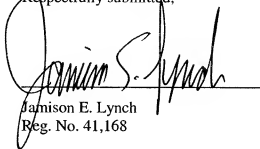
On August 1, 2008, the Request for a Certificate of Correction was denied. A copy of the Certificate of Correction denial is included herewith. The undersigned contacted Examiner Henry Randall of the Decisions and Certificates of Correction Branch on August 8, 2008. During that conversation Examiner Randall indicated that a request under 37 C.F.R. § 3.81(b) required payment not only the fee of 37 C.F.R. § 1.20(a) (currently \$100.00) but also the processing fee set forth in 37 C.F.R. § 1.117(h) (currently \$130.00) in order for the certificate of correction to be granted. The \$100.00 fee of 37 C.F.R. § 1.20(a) was previously paid on June 25, 2008 and the \$130.00 fee of 37 C.F.R. § 1.117(h) is submitted herewith.

Applicant respectfully submits that the above-proposed correction is of a clerical or typographical nature or of minor character which occurred in good faith and would not constitute new matter nor require reexamination by an Examiner. Applicants further submit that the failure to include the correct assignee name on the PTOL-85B was inadvertent. Pursuant to 37 C.F.R. § 3.81(b) and 1.117(h), a fee of \$130.00 is transmitted herewith. The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this Request to Deposit Account 13-0019.

The Office is invited to call the undersigned attorney if it would assist in processing this request for a certificate of correction for the '729 Patent.

Respectfully submitted,

By:



Jamison E. Lynch  
Reg. No. 41,168

**CUSTOMER NUMBER 26565**  
MAYER, BROWN, ROWE & MAW LLP  
P.O. Box 2828  
Chicago, IL 60690-2828  
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

8/1/08  
Patent No. : 7381729  
Ser. No. : 10/828650  
Inventor(s) : Pahl, Axel  
Issued : 6/3/08  
Docket No. : 04266864

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (see *Manual of Patent Examining Procedures (M.P.E.P.) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

*In the Request*, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (703) 872-9306  
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

**Henry Randall**  
For Cecelia Newman  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 Ext. 108

MAYER BROWN LLP  
P.O. BOX 2828  
CHICAGO, IL 60690-2828

HR

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Pahl, et al.	)	ATTORNEY DOCKET:	04266864
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SERIAL NO.:	10/828,650	)	GROUP ART UNIT:	1624
		)		
PATENT NO.:	7,381,729	)		
		)		
FILED:	April 21, 2004	)	EXAMINER:	Moore, Susana
		)		
TITLE:	4- (4-TRANS-HYDROXYCYCLOHEXYL)AMINO-2-PHENYL-7H-PYRROLO [2,3D] PYRIMIDINE HYDROGEN MESYLATE, ITS POLYMORPHIC FORMS, AND METHODS FOR MAKING SAME			

DATE: June 25, 2008

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ATTN: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

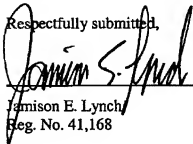
Transmitted herewith for the above-captioned granted patent are:

1. Request for Certificate of Correction under 37 C.F.R. § 1.323;
2. Form PTO/SB/44;
3. April 25, 2008 Petition Decision; and
4. Payment in the amount of \$100.00 pursuant to 37 C.F.R. §1.20(a).

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to Deposit Account 13-0019.

Respectfully submitted,

By:

  
Jamison E. Lynch  
Reg. No. 41,168

**CUSTOMER NUMBER 26565**  
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FILED:	April 21, 2004	)	EXAMINER:	Moore, Susana
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DATE: June 25, 2008

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ATTN: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.323**

Pursuant to 37 C.F.R. § 1.323, the Applicants respectfully request that United States Pat. No. 7,381,729 (the '729 Patent) be corrected as set forth in the attached Form PTO/SB/44.

Accordingly, Applicants submit herewith on Form PTO/SB/44 the corrected portions of the '729 Patent, and respectfully requests that the same issue as a certificate of correction.

Solvay Pharmaceuticals B.V. is incorrectly listed as the assignee for the '729 Patent. The present request is being submitted to change the assignee identified on the front page of the '729 Patent to Solvay Pharmaceuticals GmbH. The correction is being made so that the assignment information is consistent with the assignment recorded with the USPTO. The reel and frame number of the recorded assignment is 015356/0432. The assignment was recorded on May 18, 2004, prior to the grant of the '729 Patent.



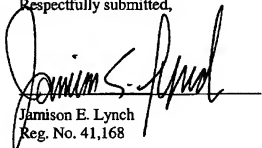
Also submitted herewith is a copy of the April 25, 2008 Petition Decision dismissing the request to correct the assignee's name under 37 C.F.R. § 3.81(b). The April 25 Petition Decision instructed the Certificate of Correction Branch to issue a certificate of correction as requested herein upon submission of a request for a certificate of correction (and fee) which sets forth Solvay Pharmaceuticals GmbH as the assignee.

Applicant respectfully submits that the above-proposed correction is of a clerical or typographical nature or of minor character which occurred in good faith and would not constitute new matter nor require reexamination by an Examiner. Pursuant to 37 C.F.R. §§1.323 and 1.20(a), a fee of \$100.00 is transmitted herewith. The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this Request to Deposit Account 13-0019.

The Office is invited to call the undersigned attorney if it would assist in processing this request for a certificate of correction for the '729 Patent.

Respectfully submitted,

By:

  
Jamison E. Lynch  
Reg. No. 41,168

**CUSTOMER NUMBER 26565**  
MAYER, BROWN, ROWE & MAW LLP  
P.O. Box 2828  
Chicago, IL 60690-2828  
(312) 701-7551

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,381,729

APPLICATION NO.: 10/828,650

ISSUE DATE : June 3, 2008

INVENTOR(S) : Pahl, Axel; Heinrich, Timo; Finner, Emil; Luitjens, Bernd-Martin; Zorgdrager, Jan; Verveer, Pieter C.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the front page of the patent delete the following Assignee:

Solvay Pharmaceuticals B.V., Weesp (NL)

and insert the following Assignee:

Solvay Pharmaceuticals GmbH, Hannover (DE)

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Mayer Brown LLP  
P.O. Box 2828  
Chicago, IL 60690-2828

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAYER BROWN LLP  
P.O. BOX 2828  
CHICAGO, IL 60690

**COPY MAILED**

APR 25 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Axel Pahl et al	:	
Application No. 10/828,650	:	ON PETITION
Filed: April 21, 2004	:	
Attorney Docket No. 04266864	:	

This is a decision on the petition, filed December 10, 2007, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is Solvay Pharmaceuticals GmbH, Hannover, Germany. Accordingly, petitioner requests that the patent issue to Solvay Pharmaceuticals GmbH, Hannover, Germany.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

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<sup>1</sup> See MPEP 1309, subsection II and Official Gazette of June 22, 2004


A review of Office database assignment records reflects that an assignment to Solvay Pharmaceuticals GMBH, Hannover, Germany has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Solvay Pharmaceuticals was the assignee of record at the time of issuance of the application into a patent. *Note also 35 U.S.C. § 152.*

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Solvay Pharmaceuticals GMBH, as the assignee.** *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignees set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

  
Irvin Dingle  
Petition Examiner  
Office of Petitions

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APPLICANTS:	Pahl, et al.	)	ATTORNEY DOCKET:	04266864
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SERIAL NO.:	10/828,650	)	GROUP ART UNIT:	1624
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FILED:	April 21, 2004	)	EXAMINER:	Susanna Moore
		)		
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DATE:	December 10, 2007			

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Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO CORRECT ASSIGNEE NAME AND RESIDENCE ON FORM PTOL-85**

On December 7, 2007 Applicants timely paid the Issue Fee in the present application. However, when form PTOL-85 was submitted with the payment of the Issue Fee, the assignee's name and residence were *incorrectly* stated as Solvay Pharmaceuticals B.V and Weesp, Netherlands. The *correct* name and residence for the assignee of this present application are Solvay Pharmaceuticals GmbH and Hannover, Germany. Correction of the assignee name and residence that will be printed on the cover page of the granted patent is respectfully requested by way of this petition.

Correction of the name and residence of the assignee is being requested herein so that the cover page on the granted patent is consistent with the assignment documents previously recorded with the USPTO at Reel 015356 and Frame 0432 on May 18, 2004 for the present application.

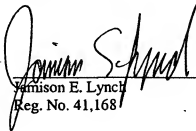
If any fees are due in connection with the filing of this petition, the Office is hereby authorized to charge the necessary fees to Deposit Account No. 13-0019. If, in the opinion of the

04/25/2008 CKHLOK 00000002 130019 10828650

01 FC:1464 130.00 DA

Office, a telephone conference would help expedite the present Petition to Correct Assignee Name, the Office is invited to call the undersigned attorney.

Respectfully submitted,



Jamison E. Lynch  
Reg. No. 41,168

**CUSTOMER NUMBER 26565**  
**MAYER, BROWN, ROWE & MAW LLP**  
P.O. Box 2828  
Chicago, IL 60690-2828  
Telephone: (312) 701-7551  
Facsimile: (312) 706-8320

Date: December 10, 2007